

108TH CONGRESS
2D SESSION

H. R. 4231

To provide for a pilot program in the Department of Veterans Affairs to improve recruitment and retention of nurses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2004

Mr. SIMMONS introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To provide for a pilot program in the Department of Veterans Affairs to improve recruitment and retention of nurses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Vet-
5 erans Affairs Nurse Recruitment and Retention Act of
6 2004”.

1 **SEC. 2. PILOT PROGRAM TO STUDY INNOVATIVE RECRUIT-**
2 **MENT TOOLS TO ADDRESS NURSING SHORT-**
3 **AGES AT DEPARTMENT OF VETERANS AF-**
4 **FAIRS HEALTH-CARE FACILITIES.**

5 (a) PILOT PROGRAM.—(1) Not later than 90 days
6 after the date of the enactment of this Act, the Secretary
7 of Veterans Affairs shall designate a health-care service
8 region, or a section within such a region, in which health
9 care facilities of the Department of Veterans Affairs are
10 adversely affected by a shortage of qualified nurses.

11 (2) The Secretary shall conduct a pilot program in
12 the region or section designated under paragraph (1) to
13 determine the effectiveness of the use of innovative
14 human-capital tools and techniques in the recruitment of
15 qualified nurses for positions at Department health care
16 facilities and for the retention of nurses at such facilities.
17 In carrying out the pilot program, the Secretary shall
18 enter into a contract with a private-sector entity for serv-
19 ices under the pilot program for recruitment of qualified
20 nurses.

21 (b) PRIVATE-SECTOR RECRUITMENT PRACTICES.—
22 For purposes of the pilot program under this section, the
23 Secretary shall identify and use recruitment practices that
24 have proven effective for placing qualified individuals in
25 positions that are difficult to fill due to shortages of quali-
26 fied individuals or other factors. Recruitment practices to

1 be reviewed by the Secretary for use in the pilot program
2 shall include—

3 (1) employer branding and interactive adver-
4 tising strategies;

5 (2) internet technologies and automated staff-
6 ing systems; and

7 (3) the use of recruitment, advertising, and
8 communication agencies.

9 (c) STREAMLINED HIRING PROCESS.—In carrying
10 out the pilot program under this section, the Secretary
11 shall, at health care facilities of the Department in the
12 region or section in which the pilot program is conducted,
13 revise procedures and systems for selecting and hiring
14 qualified nurses to reduce the length of the hiring process.
15 If the Secretary identifies measures to streamline and
16 automate the hiring process that can only be implemented
17 if authorized by law, the Secretary shall submit to the
18 Committees on Veterans' Affairs of the Senate and House
19 of Representatives recommendations for such changes in
20 law as may be necessary to enable such measure to be
21 implemented.

22 (d) REPORT.—Not later than one year after the date
23 of the enactment of this Act, the Secretary shall submit
24 to the Committees on Veterans' Affairs of the Senate and
25 House of Representatives a report on the extent to which

1 the pilot program achieved the goal of improving the re-
 2 cruitment and retention of nurses in Department of Vet-
 3 erans Affairs health care facilities.

4 **SEC. 3. ALTERNATE WORK SCHEDULES FOR NURSES.**

5 (a) ENHANCED SHIFT FLEXIBILITY.—Chapter 74 of
 6 title 38, United States Code, is amended by inserting after
 7 section 7456 the following new section:

8 **“§ 7456a. Alternate work schedules**

9 “(a) APPLICABILITY.—This section applies to reg-
 10 istered nurses appointed under this chapter.

11 “(b) 36/40 WORK SCHEDULE.—(1) Subject to para-
 12 graph (2), if the Secretary determines it to be necessary
 13 in order to obtain or retain the services of registered
 14 nurses at a Department health-care facility, the Secretary
 15 may provide, in the case of registered nurses employed at
 16 that facility, that such a nurse who works three regularly
 17 scheduled 12-hour tours of duty within a workweek shall
 18 be considered for all purposes (except computation of full-
 19 time equivalent employees for the purposes of determining
 20 compliance with personnel ceilings) to have worked a full
 21 40-hour basic workweek. Such a schedule may be referred
 22 to as a ‘36/40 work schedule’.

23 “(2)(A) Basic and additional pay for a registered
 24 nurse who is considered under paragraph (1) to have

1 worked a full 40-hour basic workweek is subject to sub-
2 paragraphs (B) and (C).

3 “(B) The hourly rate of basic pay for such a nurse
4 for service performed as part of a regularly scheduled 36-
5 hour tour of duty within the workweek shall be derived
6 by dividing the nurse’s annual rate of basic pay by 1,872.

7 “(C)(i) Such a nurse who performs a period of service
8 in excess of such nurse’s regularly scheduled 36-hour tour
9 of duty within a workweek is entitled to overtime pay
10 under section 7453(e) of this title, or other applicable law,
11 for officially ordered or approved service performed in ex-
12 cess of—

13 “(I) eight hours on a day other than a day on
14 which such nurse’s regularly scheduled 12-hour tour
15 falls;

16 “(II) 12 hours for any day included in the regu-
17 larly scheduled 36-hour tour of duty; and

18 “(III) 40 hours during an administrative work-
19 week.

20 “(ii) Except as provided in clause (i), a registered
21 nurse to whom this subsection is applicable is not entitled
22 to additional pay under section 7453 of this title, or other
23 applicable law, for any period included in a regularly
24 scheduled 12-hour tour of duty.

1 “(3) A nurse who works a 36/40 work schedule de-
2 scribed in this subsection who is absent on approved sick
3 leave or annual leave during a regularly scheduled 12-hour
4 tour of duty shall be charged for such leave at a rate of
5 ten hours of leave for nine hours of absence.

6 “(c) 7/7 WORK SCHEDULE.—(1) Subject to para-
7 graph (2), if the Secretary determines it to be necessary
8 in order to obtain or retain the services of registered
9 nurses at a Department health-care facility, the Secretary
10 may provide, in the case of registered nurses employed at
11 such facility, that such a nurse who works seven regularly
12 scheduled 10-hour tours of duty, with seven days off duty,
13 within a two-week pay period, shall be considered for all
14 purposes (except computation of full-time equivalent em-
15 ployees for the purposes of determining compliance with
16 personnel ceilings) to have worked a full 80 hours for the
17 pay period. Such a schedule may be referred to as a ‘7/
18 7 work schedule’.

19 “(2)(A) Basic and additional pay for a registered
20 nurse who is considered under paragraph (1) to have
21 worked a full 80-hour pay period is subject to subpara-
22 graphs (B) and (C).

23 “(B) The hourly rate of basic pay for such a nurse
24 for service performed as part of a regularly scheduled 70-

1 hour tour of duty within the pay period shall be derived
2 by dividing the nurse's annual rate of basic pay by 1,820.

3 “(C)(i) Such a nurse who performs a period of service
4 in excess of such nurse's regularly scheduled 70-hour tour
5 of duty within a pay period is entitled to overtime pay
6 under section 7453(e) of this title, or other applicable law,
7 for officially ordered or approved service performed in ex-
8 cess of—

9 “(I) eight hours on a day other than a day on
10 which such nurse's regularly scheduled 10-hour tour
11 falls;

12 “(II) 10 hours for any day included in the regu-
13 larly scheduled 70-hour tour of duty; and

14 “(III) 80 hours during a pay period.

15 “(ii) Except as provided in subparagraph (i), a reg-
16 istered nurse to whom this subsection is applicable is not
17 entitled to additional pay under section 7453 of this title,
18 or other applicable law, for any period included in a regu-
19 larly scheduled 10-hour tour of duty.

20 “(3) A nurse who works a 7/7 work schedule de-
21 scribed in this subsection who is absent on approved sick
22 leave or annual leave during a regularly scheduled 12-hour
23 tour of duty shall be charged for such leave at a rate of
24 eight hours of leave for seven hours of absence.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of such title is amended by inserting after the item relating to section 7456 the following new item:

21 SEC. 4. APPOINTMENT OF NURSES WHO DO NOT HAVE BAC-
22 CALAUREATE DEGREES.

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1 “(h) In a case in which a registered nurse applying
 2 for an appointment under this chapter as a registered
 3 nurse has presented the qualifications established under
 4 subsection (a) for such an appointment, the lack of a bac-
 5 calaureate degree in nursing shall not be a bar to appoint-
 6 ment, and in such a case the registered nurse shall not
 7 be denied appointment on that basis.”.

8 **SEC. 5. TECHNICAL CORRECTION TO LISTING OF CERTAIN**
 9 **HYBRID POSITIONS IN VETERANS HEALTH**
 10 **ADMINISTRATION.**

11 Section 7401(3) of title 38, United States Code, is
 12 amended—

13 (1) by striking “and dental technologists” and
 14 inserting “technologists, dental hygienists, dental as-
 15 sistants,”; and

16 (2) by striking “technicians, therapeutic
 17 radiologic technicians, and social workers” and in-
 18 serting “technologists, therapeutic radiologic tech-
 19 nologists, social workers, blind rehabilitation special-
 20 ists, and blind rehabilitation outpatient specialists”.

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